REMARKS

Applicant thanks the Examiner for the detailed remarks and analysis. The informalities regarding cancelled claims 1-6 and paragraph 30 have been corrected. Applicant respectfully requests that Examiner reconsider the current rejections for the following reasons.

The claims were rejected as being anticipated by Fukumizu (U.S. 5,267,320). Fukumizu discloses a system that includes a first signal that is utilized to generate an anti-noise according to a first transfer function (Cj) representing the noise to be attenuated. The first transfer function (Cj) is modified by a second transfer function (Cjn). The second transfer function accounts for differences between a desired output noise and the real output noise. The second transfer function varies according to input from a residual noise detector 4. Accordingly, the first signal Cj is modified according to the second transfer function (Cjn) that is produced responsive to the actual output noise detected by the residual noise detector 4. Please see column 2 lines 35-55, and Figure 2 of the Fukumizu reference.

There is no first gain that represents a physical path of the anti-noise device, or a second gain that represents a spectral shaping path. Instead, the Fukumizu system simply utilizes a feedback signal to modify the transfer function that is utilized to generate the anti-noise. This is not the same as the features and steps recited in the claims.

Claim 7 clearly requires a first gain and a second gain. As the Fukumizu system discloses only the one output it cannot anticipate the claimed method. As understood, the Examiner argues that the Fukumizu signal (Cj) is the claimed first gain for a physical path and (Cj n) is the second gain for a spectral shaping path. However, Cjn transfer functions is formulated utilizing an output from a residual noise detector 4 to modify an output anti-noise transfer function (Cj).

The Cj value is formulated through a signal processor, and anti-noise generator 3. The Cjn value is formulated from a signal from a residual noise detector (4), that is filtered through a transfer correction device and a coefficient renewing device before it is input into the signal processor (2). Neither the Cj or Cjn value represents a physical path of the system or a spectral shaping path. The Cjn value is a signal from a residual-noise detector (4) (Col 4, lines35-65), not from a spectral shaping path as is required by claim 7.

Further, Figure 2 of Fukumizu makes it evident that the Cj value is updated in view of the correction value Cjn produced by the correction device 9. Note that the Cjn value is fed into the signal processor 2 through the coefficient renewing device 5. How can this be a separate second gain that is separate from a first gain, if instead the argued second gain Cjn is in fact fed into and utilized in determining a first gain value Cj. It can't and therefore the Fukumizu reference cannot disclose the features of claim 6.

The Examiner argues that the Fukumizu elements 5, 6 and 9 anticipate the step of normalizing the second gain based on a system output value. This cannot be the case. Element 6 is a position detector, that is utilized to determine a distance between a speaker and a point where noise is to be cancelled. Nothing in the elements 5,6, and 9 describe a normalization process and further, as there is not second gain for the reasons discussed above, there can be not normalization of that second gain. Element 9 is a transfer correcting device that calculates a transfer function between the anti-noise generator and the noise controllable point (Col 5, lines 35-45).

Element 5 is a coefficient renewing device that revises the output value based on the error signal. None of these elements normalize a second gain as is required by claim 7. Accordingly, for at least these reasons Applicant requests reconsideration and withdrawal of the rejection to claim 7.

Claim 15 recites a system including a physical path with a first gain and a spectral shaping path with an ideal model of the physical path and a second gain, with the generated sound generated by the ideal model and the second gain. The Fukumizu device does not include an ideal model of the physical path, or a second gain used along with the ideal model to produce the actual response. Instead, the two transfer functions Cj and Cjn are simply a signal output (Cj) that is followed and corrected based on a second signal (Cjn) generated by the output not a separate gain value.

For these reasons, Applicant requests reconsideration of the rejections based on the Fukumizu reference. If the Examiner believes that a teleconference may aid in moving this case to allowance please contact Applicant's representative at the direct dial number indicated below.

No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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